

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RICK KARNES,

Defendant.

4:19-CR-3051

TENTATIVE FINDINGS

The Court has received the revised modified presentence investigation report in this case. There are no objections or motions.

IT IS ORDERED:

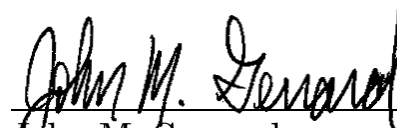
1. The defendant has pled guilty to a Class B Misdemeanor, so the Federal Sentencing Guidelines do not apply. *See* [8 U.S.C. § 1324a\(f\)\(1\)](#); [18 U.S.C. § 3559\(a\)\(7\)](#); [U.S.S.G. § 1B1.9](#). Accordingly, the Court gives notice that, unless otherwise ordered, it will:
  - (a) sentence pursuant to the [18 U.S.C. § 3553\(a\)](#) factors, and
  - (b) resolve any factual disputes relevant to sentencing by the greater weight of the evidence and without the aid of a jury.
2. There are no objections or motions that require resolution at sentencing. The defendant has filed a sentencing statement ([filing 64](#)) arguing for a non-custodial sentence.
3. Except to the extent, if any, that the Court has sustained an objection, granted a motion, or reserved an issue for later

resolution in the preceding paragraph, the parties are notified that the Court's tentative findings are that the presentence report is correct in all respects.

4. If any party wishes to challenge these tentative findings, that party shall, as soon as possible (but in any event no later than three (3) business days before sentencing) file with the Court and serve upon opposing counsel an objection challenging these tentative findings, supported by a brief as to the law and such evidentiary materials as are required, giving due regard to the local rules of practice governing the submission of evidentiary materials. If an evidentiary hearing is requested, such filings should include a statement describing why a hearing is necessary and how long such a hearing would take.
5. Absent timely submission of the information required by the preceding paragraph, the Court's tentative findings may become final and the presentence report may be relied upon by the Court without more.
6. Unless otherwise ordered, any objection challenging these tentative findings shall be resolved at sentencing.

Dated this 7th day of July, 2020.

BY THE COURT:

A handwritten signature in black ink, appearing to read "John M. Gerrard", is written over a horizontal line.

John M. Gerrard  
Chief United States District Judge